

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CLEVELAND HICKMON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:06CV690 RWS
	)	
PRESIDENT CASINO, INC., et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before me on the President Casino's motion to dismiss or, in the alternative, for summary judgment. President Casino seeks a dismissal of all plaintiff's claims against it<sup>1</sup> based on a signed release. In support of its motion, President Casino has attached a copy of the release and correspondence with the plaintiff. President Casino did not, however, comply with the local rule governing summary judgment motions. Plaintiff opposes dismissal on a number of grounds but has failed to support his argument with affidavits or other evidence. Because the President Casino's motion relies on evidence outside the pleadings, I must treat it as one for summary judgment. This requires President Casino to comply with the local rule governing summary judgment motions. Because it has not, I will deny the

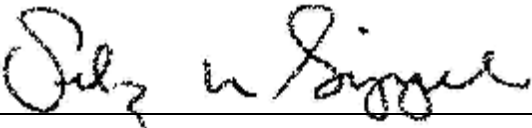
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<sup>1</sup>Plaintiff also asserts claims against additional defendants, but these defendants are not parties to the release.

pending motion without prejudice, subject to being re-filed in compliance with the local rules.

Accordingly,

**IT IS HEREBY ORDERED** that defendant President Casino's motion to dismiss or in the alternative for summary judgment [#13] is denied without prejudice as set forth above.

  
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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 17th day of August, 2006.